

**Second Amendment to Conditional Zoning Agreement
30254 to 30278 Woodward Avenue**

November 20, 2015

The Honorable Mayor Ellison and
Members of the City Commission:

Metro Woodward, LLC, the owners of a shopping center at 30254 to 30278 Woodward Avenue, are requesting a second amendment to their conditional zoning agreement with the city.

On November 10, 2015, the planning commission approved a special land use permit and site plan to modify the floor plan of two units within the shopping center to allow a new restaurant (Capriotti's Sandwich Shop) and an undetermined retail tenant. The proposed changes to the shopping center's floor plan would increase the amount of required off-street parking for both the two modified units and the shopping center as a whole.

The proposed second amendment to the site's conditional zoning agreement is attached (Attachment 1) along with the staff reports to the planning commission regarding the special land use permit and site plan (Attachment 2).

The following resolution is recommended for adoption:

Be it resolved, the second amendment to the conditional zoning agreement between the City of Royal Oak and Metro Woodward, LLC, for 30254 to 30278 Woodward Avenue (parcel number 25-08-176-024) is hereby approved, pending any final revisions from the city attorney, and the mayor and city clerk are hereby authorized to execute the second amendment to the conditional zoning agreement.

Respectfully submitted,
Timothy E. Thwing
Director of Community Development

Approved,



Donald E. Johnson
City Manager

2 Attachments

(Above space for recording purposes.)

SECOND AMENDMENT TO CONDITIONAL ZONING AGREEMENT

THIS SECOND AMENDMENT TO CONDITIONAL ZONING AGREEMENT (Second Amendment) is made and entered into as of the seventh (7th) day of December, 2015, by and among METRO WOODWARD LLC, a Michigan limited liability company (“Metro”), and the CITY OF ROYAL OAK, MICHIGAN, a Michigan municipal corporation (“City”).

RECITALS

WHEREAS, Metro and the City entered into a Conditional Zoning Agreement dated November 29, 2007 (Conditional Zoning Agreement);

WHEREAS, the Conditional Zoning Agreement was first amended on September 20, 2010;

WHEREAS, Metro has commenced and completed its improvements to the Development Parcel pursuant to the Conditional Zoning Agreement;

WHEREAS, Metro has requested the City approve use changes and parking waivers to two (2) new tenants in the Development Parcel;

WHEREAS, the City’s Planning Commission, at its meeting of November 10, 2015, approved a special land use permit and site plan including a waiver to the minimum required amount of off-street parking as requested by Metro;

WHEREAS, the City, by action of its City Commission at its meeting of December 7, 2015, has accepted the offer of Metro to make this Second Amendment to the Conditional Zoning Agreement;

WHEREAS, Metro and the City seek to amend the Conditional Zoning Agreement, as stated below, with all other terms and conditions remaining in full force and effect.

NOW, THEREFORE, Metro and the City agree to the following amendments to the Conditional Zoning Agreement:

1. Section 3.4 is amended in its entirety to read as follows:

3.4 Uses and Parking Waiver. The City hereby agrees that the use of the unit at 30270 Woodward Avenue by Capriotti’s Sandwich Shop as a restaurant is a special land use in the “General Business” zone, and that the use of the unit at 30274 Woodward Avenue as a retail store is a permitted use in the “General Business” zone. Capriotti’s Sandwich Shop sells sandwiches, beverages, and related products.

The City also confirms the granting of a waiver by the Royal Oak Planning Commission of nineteen (19) off-street parking spaces from the minimum twenty-six (26) off-street parking spaces required for Capriotti's Sandwich Shop.

The foregoing special land use and permitted use shall apply and be allowed with respect to Capriotti's Sandwich Shop and the anticipated retail user in the adjacent approximately 1,250 square foot space and to any successor tenant and/or user whose business and operations are restaurant and retail, in the reasonable determination of the City substantially similar to Capriotti's Sandwich Shop and anticipated retail user in the adjacent space, respectively. The special land use, permitted use, and off-street parking space waiver shall not apply to any other tenant and/or user in those tenant spaces whose business and operations are in the reasonable determination of the City materially different and will result in a greater required number of off-street parking spaces (taking into account the granted off-street parking space waiver) than Capriotti's Sandwich Shop and/or restaurant and anticipated retail user in the adjacent space, respectively.

2. The attached revised site plan, landscape plan, and floor plans for the Development Parcel replace those same documents in Exhibit C, as referenced in Sections 2.1, 2.4, and 4.1.

3. This Second Amendment to the Conditional Zoning Agreement is made by the City pursuant to authority granted to the City under MCLA §125.3405, as amended.

4. This Second Amendment to the Conditional Zoning Agreement shall be recorded with the Oakland County Register of Deeds at the expense of Metro. The drawing and submittals referenced in Section 2.4 and Exhibit C are not required to be recorded and the City shall maintain such documents in its books and records.

5. All other terms and conditions of the original Conditional Zoning Agreement and the First Amendment to Conditional Zoning Agreement remain in full force and effect and have not been altered or effected by this Second Amendment.

IN WITNESS WHEREOF, Metro and the City, by and through their duly authorized representatives, have executed this Second Amendment as of the day and year first written above.

[Signature pages to follow.]

Attachment 1

CITY OF ROYAL OAK, MICHIGAN
a Michigan municipality

Witness

By: James B. Ellison
Its: Mayor

Witness

By: Melanie S. Halas
Its: City Clerk

STATE OF MICHIGAN)
) SS.
COUNTY OF OAKLAND)

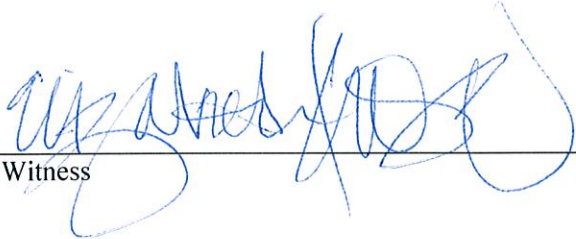
The foregoing Conditional Zoning Agreement was acknowledged before me this ____ day of _____, 2015, by James B. Ellison, on behalf of the City of Royal Oak, a Michigan municipality.

_____, Notary Public
Oakland County, Michigan
My Commission Expires: _____

STATE OF MICHIGAN)
) SS.
COUNTY OF OAKLAND)

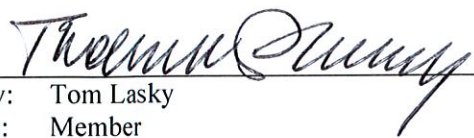
The foregoing Conditional Zoning Agreement was acknowledged before me this ____ day of _____, 2015, by Melanie S. Halas, on behalf of the City of Royal Oak, a Michigan municipality.

_____, Notary Public
Oakland County, Michigan
My Commission Expires: _____



Witness

METRO WOODWARD LLC
a Michigan Limited Liability Company

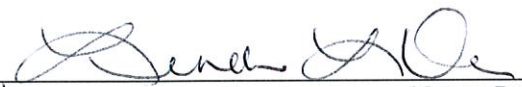


By: Tom Lasky
Its: Member

STATE OF MICHIGAN)
) SS.
COUNTY OF OAKLAND)

The foregoing Conditional Zoning Agreement was acknowledged before me this 18th day of November, 2015, by Tom Lasky, on behalf of Metro Woodward LLC, a Michigan limited liability company.

LINDA L. OAK
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Jun 24, 2017
ACTING IN COUNTY OF Oakland



Linda L. Oak, Notary Public
Oakland County, Michigan
My Commission Expires: June 24, 2017

Prepared by and recorded return to:

Planning Division
Community Development Dept.
City of Royal Oak
211 Williams St.
P.O. Box 64
Royal Oak, MI 48068-0064

Attachment 1

Development Parcel

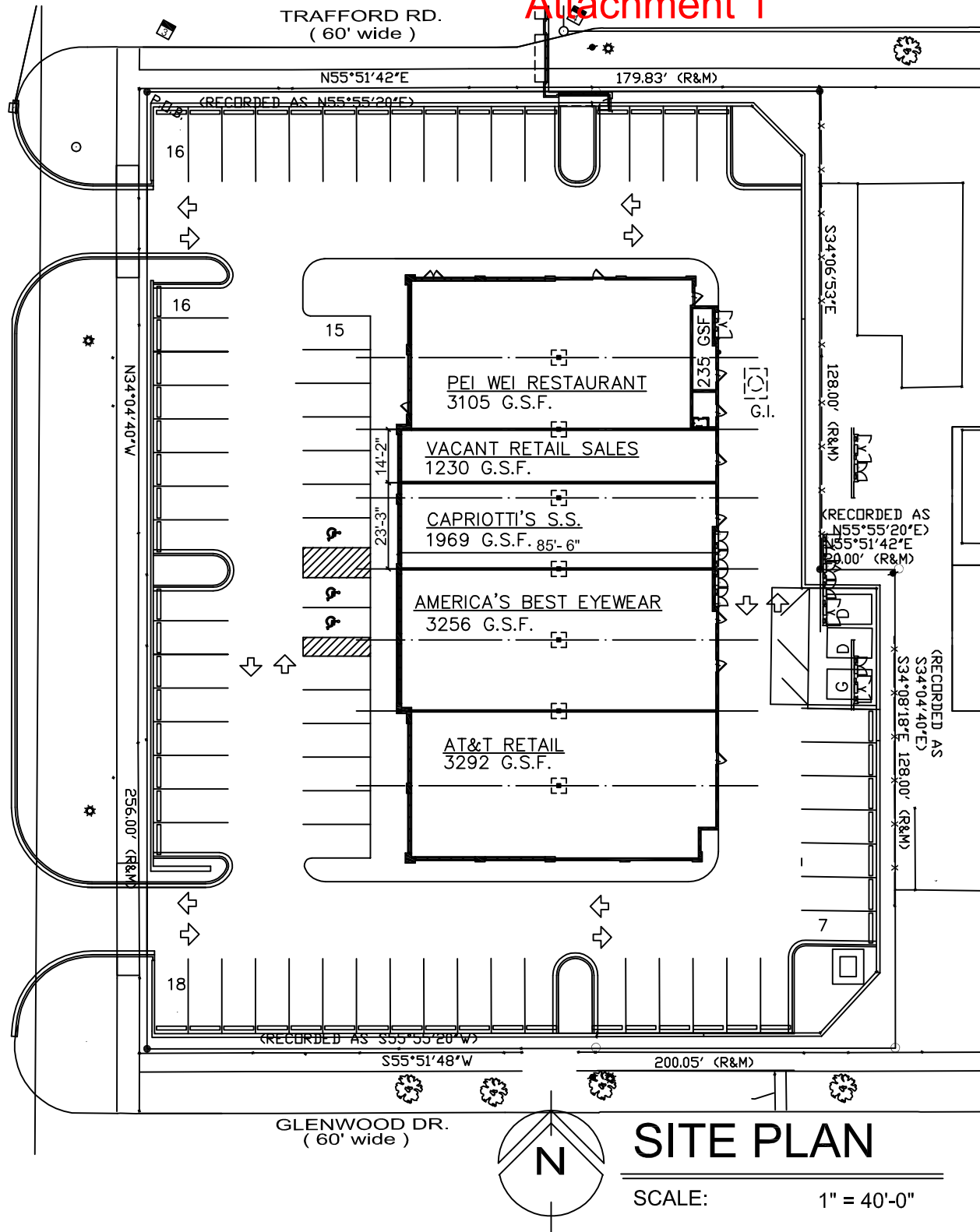
Land situated in the City of Royal Oak, in the County of Oakland, State of Michigan, is described as follows: T1N, R11E, SEC 8 WOODWARDSIDE SUB LOTS 523 TO 530 INCL, ALSO LOTS 455 TO 461 INCL, ALSO SWLY 20 FT OF LOT 462, ALSO ALL OF VAC ALLEY ADJ TO SD LOTS 461 & 524 ALL DESC AS BEG AT NW COR OF SD LOT 455, TH N 55-51-42 E 179.83 FT, TH S 34-06-53 E 128 FT, TH N 55-51-42 E 20 FT, TH S 34-08-18 E 128 FT, TH S 55-51-48 W 200.05 FT, TH N 34-04-40 W 256 FT TO BEG 1-26-10 FR 001, 002 & 012 [30252 Woodward Avenue or Parcel Number 25-08-176-024]

Attachment 1

Exhibit C-1 (2015)

Site Plan, Landscape Plan, and Floor Plans

WOODWARD AVE.



SITE DATA:

BUILDING SQ. FT.: 13,149 SQ. FT.

PEI WEI (RESTAURANT)

3,105 GSF / 2,588 USF
2,588 USF / 65 = 40 spaces

VACANT RETAIL SALES

1,230 GSF / 984 USF
984 USF / 300 = 4 spaces

CAPRIOTTI'S SANDWICH SHOP (RESTAURANT)

1,969 GSF / 1,545 USF
1,545 USF / 65 = 24 spaces

AMERICA'S BEST EYEWEAR (MEDICAL OFFICE)

3,256 GSF / 2,888 USF
2,888 USF / 300 = 10 spaces

AT&T WIRELESS (RETAIL SALES)

3,292 GSF / 3,131 USF
3,131 USF / 300 = 11 spaces

89 Total Required Spaces

72 Total Spaces Provided

17 Total Spaces Waiver Required

WOODWARDSIDE PLAZA

30252 WOODWARD AVE. SOUTH OF 13 MILE

ROYAL OAK, MI

CLIENT:

METRO WOODWARD, L.L.C.

DATE: 11.12.2015

PREPARED BY:

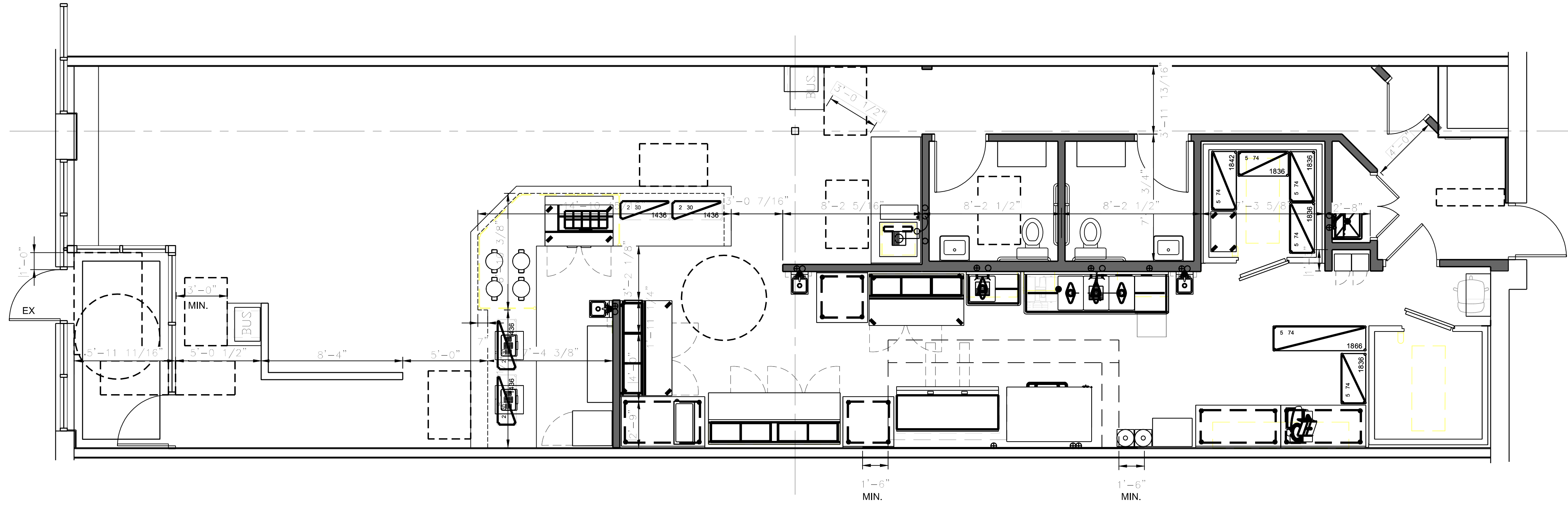
THE HEIL PARTNERSHIP, INC.

26400 LAHSER ROAD, SUITE 325
SOUTHFIELD, MI 48033

SITE PLAN

SCALE:

1" = 40'-0"



FLOOR PLAN
SCALE: 1/4" = 1'-0"

KraemerDesignGroup

1420 Broadway | Detroit MI 48226 | p 313 965 3399 | f 313 965 3555
www.thekraemerdg.com

Architect

Consultant

Capriotti's

30270 Woodward Avenue
Royal Oak MI

RHS-CAP-DETROIT

151 WEST CONGRESS, SUITE 420
DETROIT MI 48226

Project / Owner

Seal

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CITY SUBMITTAL 10-20-15
Revision Date

Date

Project Number 2015069

Sheet Title
FLOOR PLAN

Sheet Number

A101



0 1' 2' 4' 8'
SCALE: 1/4" = 1'-0"

MEMORANDUM

Community Development Department
City of Royal Oak, Michigan

Meeting Date: November 10, 2015
211 Williams St. / P.O. Box 64
Royal Oak, MI 48068-0064
Phone: (248) 246-3280
Fax: (248) 246-3005
www.romi.gov

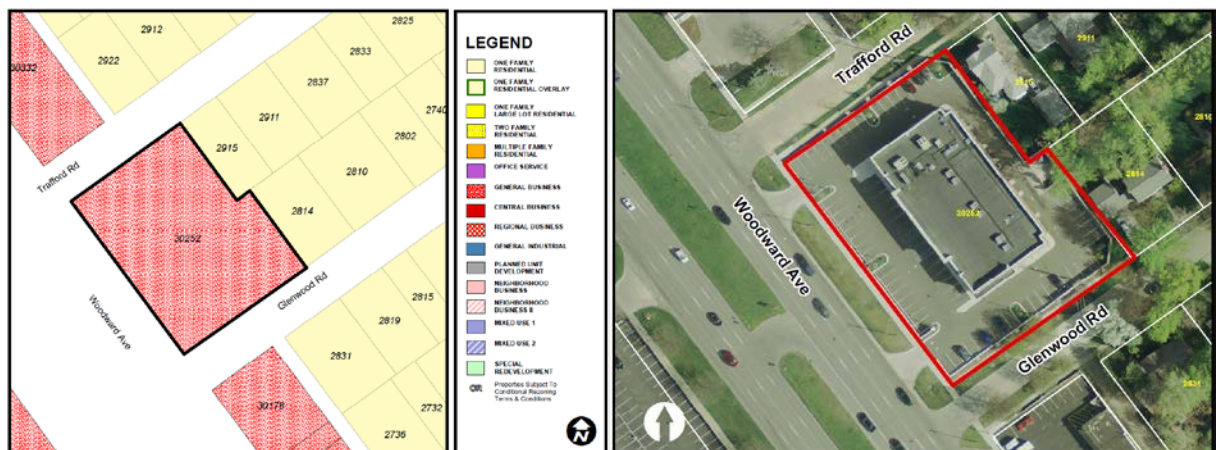
DATE: October 30, 2015

TO: Planning Commission

FROM: Planning Division

SUBJECT: Special Land Use & Site Plan (SP 15-11-29) to establish restaurant (Capriotti's Sandwich Shop) and retail store in multiple-unit shopping center at **30270-30274 Woodward Ave.** (parcel no. 25-08-176-024)
Metro Woodward, LLC, Petitioner & Owner

1. Zoning Map & Aerial Photograph



2. Zoning Ordinance Provisions

ARTICLE IV Zone Regulations & General Provisions – § 770-41 General Business, (B) Permitted Uses (1), & (C) Special Land Uses (22): Retail sales are a permitted use in the General Business zoning district according to § 770-41 (B)(1) of the Zoning Ordinance. Standard restaurants within a multiple-unit shopping center are a special land use in that same zoning district according to § 770-41 (C)(22).

3. Compatibility with Master Plan

The city's Master Plan designates the planned future land use for this property as "General Commercial." These areas are intended to provide suitable locations for general retail and service establishments typically developed along major roads that rely on a market area larger than that of the city. Properties with a General Commercial designation are primarily located along Woodward Avenue.

4. Previous Actions

April 13, 2004. The Planning Commission approved a preliminary site plan for a special redevelopment project on a former motel site with retail sales, medical offices, and general

offices in a three-story building, and recommended that the City Commission approve a special land use permit for a residential accessory off-street parking lot on adjacent residential properties (SP 04-04-14).

May 3, 2004. The City Commission approved a special land use permit for a residential accessory off-street parking lot as part of SP 04-04-14.

May 13, 2004. The Zoning Board of Appeals granted variances to waive the minimum required parking space setbacks from Trafford Road and Glenwood Road for a residential accessory off-street parking lot (case no. 04-05-26).

June 8, 2004. The Planning Commission approved SP 04-04-14, a final site plan to permit a special redevelopment project on a former motel site with retail sales, medical offices, and general offices in a three-story building and also a residential accessory off-street parking lot on adjacent residential properties.

July 12, 2004. The City Commission vacated a public alley while retaining easements for utilities and entered into a development agreement that included a site plan for a three-story building and a residential accessory off-street parking lot.

August 14, 2007. The Planning Commission recommended that the City Commission conditionally rezone the residential accessory off-street parking lot approved as part of SP 04-04-14 from One Family Residential to General Business, and approved a site plan for a 13,500-square foot one-story commercial building with three units for retail sales and one unit for a restaurant.

November 19, 2007. The City Commission conditionally rezoned the residential accessory off-street parking lot from One Family Residential to General Business and approved the associated conditional zoning agreement that included a site plan for a commercial building with three units for retail sales and one unit for a restaurant.

February 4, 2008. The City Commission vacated a public alley without retaining easements.

September 16, 2010. The Zoning Board of Appeals granted variances to the minimum required number of off-street parking spaces to permit a frozen yogurt parlor, an optician/optometrist, and an unspecified medical office within vacant units of the multiple-unit shopping center (case no. 10-09-18).

September 20, 2010. The City Commission approved an amendment to the conditional zoning agreement to recognize the variances granted by the Zoning Board of Appeals and allow establishment of a frozen yogurt parlor, an optician/optometrist, and an unspecified medical office within vacant units of the multiple-unit shopping center.

5. Other Findings

- A. Location & Previous Uses. The site is located on the northeast side of Woodward Avenue between Glenwood Road and Trafford Road. The parcel has 256 feet of frontage along Woodward Avenue and approximately 48,578 square feet or 1.12 acres of lot area. The site was developed into a multiple-unit shopping center through a conditional zoning agreement between the petitioner and the city.

Pursuant to the conditional zoning agreement, portions of this site were rezoned from One Family Residential to General Business and the property was developed into a five-unit shopping center with approximately 3,100 square feet for a restaurant and 10,050 square feet for retail sales. Landscaping, masonry screening walls, and 72 off-street parking spaces were also approved as part of the site plan.

The shopping center was most recently occupied by the following tenants: a restaurant (Pei Wei); a frozen yogurt shop (Bloomberry); a retail mailing and shipping center (Goin' Postal); an optician/optometrist (America's Best); and a mobile telephone store (AT&T).

- B. Proposed Uses The petitioner now proposes to increase the floor area of the unit last occupied by the retail mailing and shipping center and replace that use with another restaurant (Capriotti's Sandwich Shop). The floor area of the unit with the frozen yogurt shop would be reduced and an unspecified retail store would replace that use. While retail sales are a permitted use in the General Business zoning district, standard restaurants with dine-in seating require a special land use permit in that same zoning district when included as part of a multiple-unit shopping center.
- C. Off-Street Parking. The uses included as part of the conditional zoning agreement and site plan approved in 2007 required 72 off-street parking spaces, the same number of spaces provided on that site plan.

<u>Original Site Plan</u>	<u>Gross Floor Area</u>	<u>Usable Floor Area</u>	<u># Per</u>	<u>Spaces Required</u>
AT&T (Unit 1)	3,292	3,131	250	13
Retail Sales (Units 2 to 5)	6,455	4,750	250	19
Pei Wei (Unit 6)	3,105	2,588	65	40
Common Area	297	-	-	-
TOTAL	13,149	10,469		72

In 2010, the Zoning Board of Appeals granted variances to the minimum required amounts of off-street parking to allow the frozen yogurt shop, optician, and an unspecified medical office to occupy units previously approved for retail sales.

	<u>Gross Floor Area</u>	<u>Usable Floor Area</u>	<u># Per</u>	<u>Spaces Required</u>	<u>Variance</u>
AT&T (30254)	3,292	3,131	250	13	-
America's Best (30262)	3,256	2,888	125	24	(14)
Medical Office (30270)	2,009	1,782	125	15	(9)
Bloomberry (30274)	1,190	993	65	16	(13)
Pei Wei (30278)	3,105	2,588	65	40	-
Common Area	297	-	-	-	-
TOTAL	13,149	11,382		108	(36)

In 2011, the retail mailing and shipping center was administratively approved to move into the unit designated for a medical office. That same year the Zoning Ordinance was amended to reduce the minimum required amount of off-street parking for non-restaurant uses in a shopping center to one space for every 300 square feet of usable floor area. The required parking for AT&T, America's Best, and Goin' Postal was reduced as a result.

Attachment 2

Special Land Use & SP 15-11-29
30270-30274 Woodward Ave.
October 30, 2015
Page 4 of 5

	<u>GFA</u>	<u>UFA</u>	<u># Per</u>	<u>Spaces Required</u>	<u>Spaces Allocated</u>	<u>Variance</u>
AT&T (30254)	3,292	3,131	300	11	11	-
America's Best (30262)	3,256	2,888	300	10	10	-
Goin' Postal (30270)	2,009	1,782	300	6	6	-
Bloomberry (30274)	1,190	993	65	16	5	(11)
Pei Wei (30278)	3,105	2,588	65	40	40	-
Common Area	297	-	-	-	-	-
	13,149	11,382		83	72	(11)

Although similar in use, the new restaurant and retail store proposed by the petitioner would be placed in units previously occupied by different uses and the usable floor area for each unit would be modified. These changes would nullify the variances previously granted by the Zoning Board of Appeals and increase the minimum required amount of off-street parking for both the unit to contain the new restaurant and the shopping center as a whole.

	<u>GFA</u>	<u>UFA</u>	<u># Per</u>	<u>Spaces Required</u>	<u>Spaces Allocated</u>	<u>Difference</u>
AT&T (30254)	3,292	3,131	300	11	11	-
America's Best (30262)	3,256	2,888	300	10	10	-
Capriotti's Sandwich Shop (30270)	1,969	1,545	65	24	7	(17)
Retail (30274)	1,230	984	300	4	4	-
Pei Wei (30278)	3,105	2,588	65	40	40	-
Common Area	297	-	-	-	-	-
	13,149	11,136		89	72	(17)

With 1,545 square feet of usable floor area, Capriotti's would require 24 off-street parking spaces. However, the shopping center would have only 7 available parking spaces after required parking for all other units is allocated. A waiver of 17 parking spaces approved by the City Commission as part of another amendment to the conditional zoning agreement would therefore be necessary in order for Capriotti's to occupy the proposed unit.

(The attached site plan submitted by the petitioner states Capriotti's would have 1,668 square feet of usable floor area and require 26 off-street parking spaces. Those calculations were based on an older floor plan with less detail. The calculations in the above table were made from the most recent floor plan submitted by the petitioner.)

The revised amounts of off-street parking required for the new restaurant and shopping center can be approved by the City Commission with a second amendment to the conditional zoning agreement, provided the Planning Commission approves the special land use permit and site plan for the new restaurant.

- D. Result of Approval. If the petitioner's request for a special land use permit is approved then site plan review may proceed.

6. Recommendations

The Planning Commission, at its discretion, may grant special land use permits. Following the required public hearing, the Commission may approve, approve with conditions, or deny a special land use permit. The basis for the Planning Commission's decision in the case of a special land use request is found in §770-11, Basis of Determination, which reads as follows:

Attachment 2

Special Land Use & SP 15-11-29
30270-30274 Woodward Ave.
October 30, 2015
Page 5 of 5

The Planning Commission shall review the proposed special land use in terms of the standards stated within this Ordinance and shall establish that such use and the proposed location:

- (a) Will be harmonious and in accordance with the general objectives or any specific objectives of the Master Plan.*
- (b) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.*
- (c) Will not be hazardous or disturbing to existing uses or uses reasonably anticipated in the future.*
- (d) Will be an improvement in relation to property in the immediate vicinity and to the City as a whole.*
- (e) Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility.*
- (f) Will not create excessive additional public costs and will not be detrimental to the economic welfare of the City.*
- (g) Will be consistent with the intent and purposes of this Ordinance, and comply with all applicable provisions and standards, which are established for said use by this Ordinance and other applicable codes.*

cc: Jon Borenstein, Metro Woodward, LLC
Dennis Cowan, Plunkett Cooney

It is recommended that the petitioner or a representative attend the November 10, 2015 Planning Commission meeting. The meeting starts at 7:30 p.m. in the City Commission chambers on the 3rd floor of City Hall.

MEMORANDUM

Community Development Department
City of Royal Oak, Michigan

Meeting Date: November 10, 2015
211 Williams St. / P.O. Box 64
Royal Oak, MI 48068-0064
Phone: (248) 246-3280
Fax: (248) 246-3005
www.romi.gov

DATE: October 30, 2014

TO: Planning Commission

FROM: Planning Division

SUBJECT: SP 15-11-29 – Site Plan to establish restaurant (Capriotti's Sandwich Shop) and retail store in multiple-unit shopping center at **30270-30274 Woodward Ave.** (parcel no. 25-08-176-024)
Metro Woodward, LLC, Petitioner & Owner

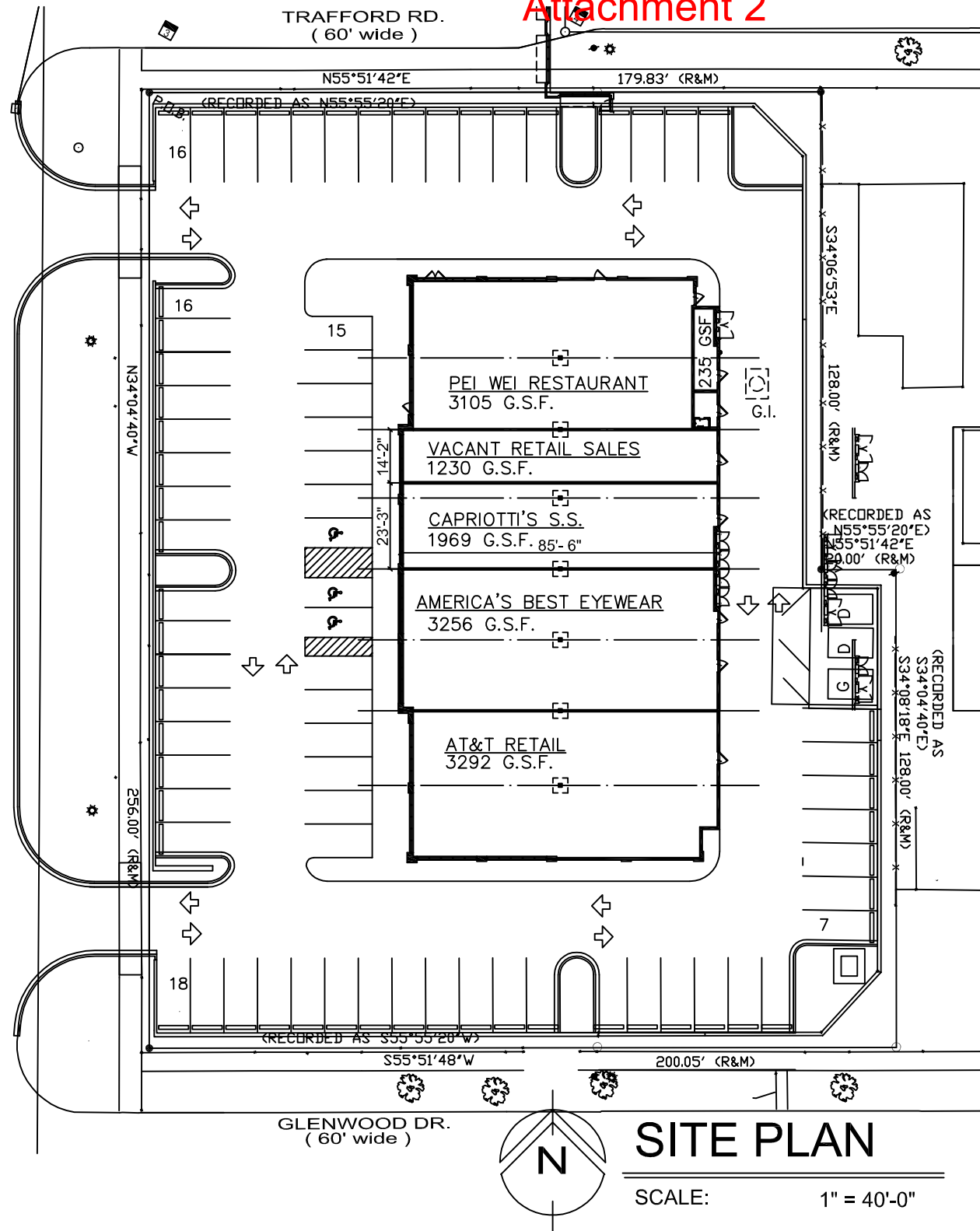
The above referenced site plan and its associated special land use permit are scheduled for consideration by the Planning Commission at the next regular meeting. Should the Planning Commission wish to consider approval of the site plan, including all discretionary items, the Planning Division recommends the following contingencies:

1. An amendment to the conditional zoning agreement between the petitioner and the city shall be submitted for review and approval by the City Commission.
2. The petitioner shall submit a revised site plan to include the usable floor area and required off-street parking as calculated by the Planning Division prior to review of a conditional zoning agreement amendment by the City Commission.
3. All signage shall comply with the Sign Ordinance (Chapter 607 Signs, Article II Sign Regulations) or receive the necessary variances from the Planning Commission.
4. A performance bond shall be posted in an amount to be determined by the Building Official.
5. The site plan shall meet all other code and ordinance requirements as determined by the Building Official prior to the issuance of any building permit. Such requirements include, but are not limited to, the Michigan Building Code.

cc: Jon Borenstein, Metro Woodward, LLC
Dennis Cowan, Plunkett Cooney

It is recommended that the petitioner or a representative attend the November 10, 2015 Planning Commission meeting. The meeting starts at 7:30 p.m. in the City Commission chambers on the 3rd floor of City Hall.

WOODWARD AVE.



SITE DATA:

BUILDING SQ. FT.: 13,149 SQ. FT.

PEI WEI (RESTAURANT)

3,105 GSF / 2,588 USF

2,588 USF / 65 = 40 spaces

VACANT RETAIL SALES

1,230 GSF / 984 USF

984 USF / 300 = 4 spaces

CAPRIOTTI'S SANDWICH SHOP (RESTAURANT)

1,969 GSF / 1,668 USF

1,668 USF / 65 = 26 spaces

AMERICA'S BEST EYEWEAR (MEDICAL OFFICE)

3,256 GSF / 2,888 USF

2,888 USF / 300 = 10 spaces

AT&T WIRELESS (RETAIL SALES)

3,292 GSF / 3,131 USF

3,131 USF / 300 = 11 spaces

91 Total Required Spaces

72 Total Spaces Provided

19 Total Spaces Waiver Required

NOTE: USEABLE SQ. FOOTAGE (USF) HAS BEEN CALCULATED AS GROSS SQ. FT. X .80 FOR THE PURPOSES OF THIS DIAGRAM. "ACTUAL" USF MAY BE LESS FOR EXISTING / PROPOSED SPACES, THUS REDUCING PARKING REQUIRED.

WOODWARDSIDE PLAZA

30252 WOODWARD AVE. SOUTH OF 13 MILE

ROYAL OAK, MI

CLIENT:

METRO WOODWARD, L.L.C.

DATE: 10.20.2015

PREPARED BY:

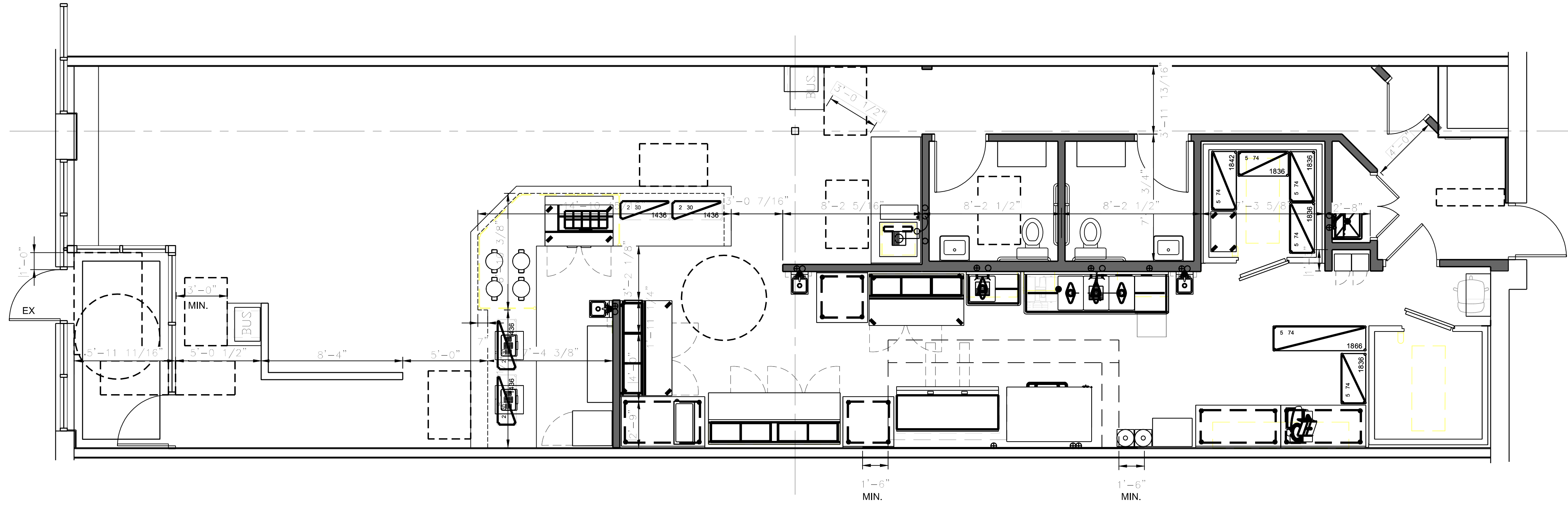
THE HEIL PARTNERSHIP, INC.

26400 LAHSER ROAD, SUITE 325
SOUTHFIELD, MI 48033

SITE PLAN

SCALE:

1" = 40'-0"



FLOOR PLAN
SCALE: 1/4" = 1'-0"

KraemerDesignGroup
1420 Broadway | Detroit MI 48226 | p 313 965 3399 | f 313 965 3555
www.thekraemerdg.com

Architect

Consultant

Capriotti's
30270 Woodward Avenue
Royal Oak MI

RHS-CAP-DETROIT
151 WEST CONGRESS, SUITE 420
DETROIT MI 48226

Project / Owner

Seal

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CITY SUBMITTAL 10-20-15
Revision Date

Date

Project Number 2015069

Sheet Title
FLOOR PLAN

Sheet Number

A101



SCALE: 1/4" = 1'-0"



November 6, 2015

Planning Commission
City of Royal Oak
211 S. Williams St.
Royal Oak, MI 48067

Re: 30270-30274 Woodward Avenue
SP-15-11-29
Petitioner: Metro Woodward LLC

Dear Chairman Esbri and Planning Commissioners:

Metro Woodward LLC is requesting Special Land Use and Site Plan approval for its existing multiple unit shopping center. The footprint of the existing building will not change. Only the tenant mix is changing:

- A former retail mailing and distribution store will be leased to Capriotti's sandwich shop; and
- The former Bloomberry's yogurt shop will become retail space.

The Planning Commission may recall that this location previously contained the Comfort Motel. In 2008, Metro Woodward LLC worked very diligently with the City and neighbors to create a quality and high-standard shopping center. There is no dispute that this goal has been achieved and the development has fit harmoniously with its commercial and residential neighbors.

The net effect of the current request is that the same number of retail and restaurant spaces in the shopping center will remain. However, there is a "swapping out" of two of the units. Due to the fact that Capriotti's will be replacing a retail space, there is a slight increase in the parking calculation by six (6) spaces. As a practical matter, this shopping center has peacefully coexisted with its neighbors over the last ten years. There is no parking problem either within or without the shopping center. All employees park on site. There have been no complaints from residential neighbors concerning any on-street parking by customers of the shopping center.

ATTORNEYS & COUNSELORS AT LAW

Attachment 2

Planning Commission
City of Royal Oak
November 6, 2015
Page 2

In addition, this request does not include any drive-thru for the Capriotti's sandwich shop. There is no drive-thru currently at the shopping center. There are no stacking or other traffic problems with ingress and egress to the shopping center.

The Planning Commission should note that in 2010, it waived 36 parking spaces to accommodate the America's Best and Bloomberry yogurt shop. The current waiver request is less than half of that figure. The current 72 parking spaces have proven to be more than adequate to service the customers and employees of the shopping center.

The interior walls are not changing and will remain in place. However, the usable floor area for the Capriotti's space is being reduced by 227 square feet. Capriotti's will make required improvements consistent with its successful business model.

Due to the track record of the shopping center on the responsiveness of the owners, we can safely assert that the change in the square footage/tenant mix will have no effect on the surrounding neighborhood.

As reflected in the attachment, Metro Woodward LLC meets or exceeds the Special Land Use criteria, as stated in Ordinance § 770-11. As a result, we respectfully request special land use and site plan approval.

Metro Woodward LLC is very pleased to work cooperatively with the Planning Commission. Since 2004, additional positive development has occurred in the general vicinity on Woodward near the shopping center. Metro Woodward LLC believes it helped "lead the way" in the upgrade in the 13 Mile/Woodward area.

As we have done each time we have appeared before the City, Metro Woodward LLC sent invites to 55 residents to attend a neighborhood meeting. Last night, 7 residents attended. They were generally supportive of the request and confirmed there are no parking ingress/egress issues at the shopping center.

Attachment 2

Planning Commission
City of Royal Oak
November 6, 2015
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As always, if you have any questions concerning our request or this correspondence, please feel free to contact me.

Sincerely,



Dennis G. Cowan
PLUNKETT COONEY
Direct Dial: (248) 901-4029
Email: dcowan@plunkettcooney.com

DGC/cmw
Attachment
cc: Jon Borenstein
Tom Lasky
Open.19689.72962.16139569-1

Compliance with Special Land Use Standards

- (a) Harmonious and in accordance with the general objectives or any specific objectives of the Master Plan.**

The shopping center, as constructed and operated, meets key objectives in the Master Plan for the Woodward Corridor. Specifically, it meets the objective to “improve and maintain the overall appearance and buildings and streetscapes” (Objective 5.2). Even after ten years, the classic style of the shopping center continues to be relevant and an appearance upgrade to many aging buildings on the Corridor. The shopping center also provides “sufficient, accessible, and attractive parking conditions for business” (Objective 5.3). There is sufficient brick screening on the perimeter and the design discourages any on-street parking. Finally, the shopping center meets Objective 5.4, which encourages creation of “a corridor that is distinctive, visually rich, and well organized. The shopping center sits on an entire block and is visually pleasing and maintains easy ingress/egress from Woodward Avenue.

- (b) Design constructed to operate and maintain so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.**

The shopping center was constructed in 2005. No additional construction will occur and the building footprint will remain the same. Consequently, there will be no change to the essential character of the area.

- (c) Will not be hazardous or disturbing to existing uses or uses reasonably anticipated in the future.**

The shopping center has a proven track record of being harmonious with existing uses, both commercial and residential.

- (d) Will be an improvement in relation to property in the immediate vicinity and to the city as a whole.**

This shopping center replaced the Comfort Motel, which was a blight on the community. The change in tenant mix reflects the owner’s commitment to continuing to bring first rate tenants to the shopping center.

- (e) Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facilities.**

All such public services and facilities currently exist at this location.

Attachment 2

- (f) Will not create excessive, additional public costs and will not be detrimental to the economic welfare of the city.**

There will be no public cost in connection with this request. Approval of the request will be an enhancement of the economic welfare of the city.

- (g) Will be consistent with the intent and purposes of this Ordinance and comply with all applicable provisions and standards, which are established for said use by this Ordinance and other applicable codes.**

The owner has demonstrated its compliance with applicable provisions and standards as provided for in the Ordinance. The owner intends to continue such high level of compliance.

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MEMORANDUM

Community Development Department
City of Royal Oak, Michigan

211 Williams St.
P.O. Box 64
Royal Oak, MI 48068-0064
Phone: (248) 246-3280
Fax: (248) 246-3005
www.romi.gov

DATE: November 13, 2015

TO: File / Petitioner(s)

FROM: Planning Division

SUBJECT: Special Land Use & Site Plan (SP 15-11-29) to establish restaurant (Capriotti's Sandwich Shop) and retail store in multiple-unit shopping center at **30270-30274 Woodward Ave.** (parcel no. 25-08-176-024)
Metro Woodward, LLC, Petitioner & Owner

The Planning Commission, at its meeting on November 10, 2015, approved a **special land use permit** to establish a restaurant (Capriotti's Sandwich Shop) and a retail store in a multiple-unit shopping center at **30270-30274 Woodward Avenue** (parcel no. 25-08-176-024).

At the same meeting, the Planning Commission also approved **SP 15-11-29**, a **site plan** to establish a restaurant (Capriotti's Sandwich Shop) and a retail store in a multiple-unit shopping center at **30270-30274 Woodward Avenue** (parcel no. 25-08-176-024), with the following **contingencies**:

- A. An amendment to the conditional zoning agreement between the petitioner and the city shall be submitted for review and approval by the City Commission.
- B. The petitioner shall submit a revised site plan to include the usable floor area and required off-street parking as calculated by the Planning Division prior to review of a conditional zoning agreement amendment by the City Commission.
- C. All signage shall comply with the Sign Ordinance (Chapter 607 Signs, Article II Sign Regulations) or receive the necessary variances from the Planning Commission.
- D. A performance bond shall be posted in an amount to be determined by the Building Official.
- E. The site plan shall meet all other code and ordinance requirements as determined by the Building Official prior to the issuance of any building permit. Such requirements include, but are not limited to, the Michigan Building Code.

Plans cannot be submitted for building permits until all of the contingencies have been addressed and included as part of the plan(s).

Respectfully,



Timothy E. Thwing
Director of Community Development

cc: Jon Borenstein, Metro Woodward, LLC
Dennis Cowan, Plunkett Cooney